

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MILLER INDUSTRIES TOWING)	
EQUIPMENT INC.,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 3:03CV163
)	
A & A TRUCK AND AUTO CENTER,)	Magistrate Judge David C. Keesler
INC. d/b/a AATAC,)	
)	
Defendant.)	
)	STIPULATED ORDER OF
)	DISMISSAL WITH PREJUDICE

This action comes before the Court on the pleadings and proceedings of record and it has been represented to the Court that plaintiff, Miller Industries Towing Equipment Inc. ("MITE"), and defendant, A & A Truck and Auto Center, Inc. d/b/a AATAC ("AATAC"), have agreed to a compromise and settlement of all claims and counterclaims that were brought or that could have been brought by them in this Civil Action.

WHEREFORE, with the consent of MITE and AATAC through their undersigned attorneys, it is hereby finally ORDERED, ADJUDGED and DECREED as follows:

1. All claims brought by MITE against AATAC, and all claims brought by AATAC against MITE, are hereby dismissed with prejudice.
2. Each party to this Order shall bear its own costs and attorneys' fees.

STIPULATED AND AGREED TO:

s/ Kurt E. Lindquist

Kurt E. Lindquist II (N.C. State Bar #10973)
Nelson Mullins Riley & Scarborough
Bank of America Corporate Center
Suite 2400
100 North Tryon Street
Charlotte, NC 28202-4007
Telephone: (704) 417-3110
Fax: (704) 417-3210
kurt.lindquist@nelsonmullins.com

Thomas G. Scavone
Christopher J. Lee
Paul C. Gibbons
Brady J. Fulton
NIRO, SCAVONE, HALLER & NIRO
181 West Madison Street, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Fax: (312) 236-3137

***Attorneys for Plaintiff, Miller
Industries Towing Equipment Inc.***

Dated: November 6, 2006

ENTERED:

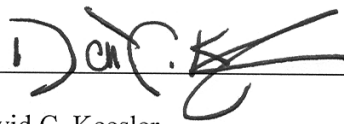
s/ Stephen S. Ashley, Jr.

W. Thad Adams, III (N.C. Bar # 0020)
Stephen S. Ashley, Jr. (N.C. Bar # 27649)
ADAMS EVANS, P.A.
2180 Two Wachovia Center
301 S. Tryon Street
Charlotte, NC 28282-6000
Telephone: (704) 375-9249
Fax: (704) 375-0729
ssa@adamspat.com

***Attorneys for A & A Truck and
Auto Center Inc.***

Dated: November 6, 2006

Signed: November 7, 2006



David C. Keesler
United States Magistrate Judge

